

# COUNTY OF YORK

## MEMORANDUM

**DATE:** October 10, 2005 (PC Mtg. 10/12/05)

**TO:** York County Planning Commission

**FROM:** Amy M. Parker, Senior Planner

**SUBJECT:** Application No. UP-686-05, Premier Properties USA, Inc.

### **ISSUE**

This application requests a Special Use Permit, pursuant to Sections 24.1-306 (Category 13, No. 2) and 24.1-466(h) of the York County Zoning Ordinance, to authorize establishment of a regional retail center comprised of approximately 730,482 square feet of gross floor area located on property at 175 Water Country Parkway (Assessor's Parcel No. 11-91) and on a portion of 165 Water Country Parkway (Assessor's Parcel No. 11-4-3). The properties, containing approximately 174 acres (portion of Parcel No. 11-4-3) and 3.67 acres (Parcel No. 11-91) are located at the southeast quadrant of the southern Humelsine Parkway (Route 199)/Interstate 64 interchange and south of Water Country Parkway (Route 640). The proposed development is subject to Special Use Permit review because it contains in excess of 80,000 square feet of floor area.

### **DESCRIPTION**

- Property Owners: Busch Properties, Inc. (Parcel No. 11-4-3) and AJ Tanner, Trustee for Martin Land Trust (Parcel No. 11-91). Applicant is contract purchaser.
- Location: 175 & 165 (portion) Water Country Parkway (Route 640)
- Area: Approximately 178 acres
- Frontage: Approximately 430 feet on Water Country Parkway, 3,400 feet on I-64, 1,900 on Route 199
- Utilities: The property can be served by public water and sewer
- Topography: Varied
- 2015 Land Use Map Designation: Economic Opportunity
- Zoning Classification: EO – Economic Opportunity  
HRM – Historic Resources Management overlay
- Existing Development: None

- Surrounding Development:

North: Water Country USA water park; Days Inn and President's Park (across Route 199)  
East: U.S. Naval Weapons Station  
South: Williamsburg Country Club (across I-64)  
West: Penniman East and Country Club Acres residential subdivisions (across I-64)

- Proposed Development: Approximately 730,482-square foot retail center

### **CONSIDERATIONS/CONCLUSIONS**

1. The applicant proposes to develop approximately 178 acres of land for a retail center containing approximately 730,482 square feet of floor space. The proposal is the first phase of a planned two-phase project that will eventually cover approximately 236 acres of land. The complex consists of several single- and multi-tenant buildings connected by common parking areas and traffic aisles. A proposed state road circling the perimeter of the site would provide access from Route 199 and the I-64 Grove Interchange ramp.
2. The *Comprehensive Plan* designates this area for Economic Opportunity, which is intended to promote a mix of commercial, tourist-related, and limited industrial uses, with emphasis placed on capital- and labor-intensive uses. Existing land uses in the area of the subject site include a hotel, a water park, a military base, an outdoor museum, a country club/golf course, and residential subdivisions. Surrounding zoning includes a mix of EO, RC (Resource Conservation), R20 (Medium-density single-family residential), and R13 (High-density single-family residential).
3. The property is subject to requirements of the Chesapeake Bay Protection Act. The property's eastern and northern boundaries border King Creek, and the central area of the property contains wetlands associated with Whiteman Swamp. Wetlands on the site would be disturbed by filling of two small wetland areas on the southern side of the proposed retail area and by a road crossing at the eastern end of the site. Prior to site plan approval, wetlands permits from the County and approvals would be required from the Army Corps of Engineers for proposed land-disturbing activities in wetland areas. A proposed approval condition addresses this concern.

Water quality and storm water runoff are of substantial concern in this area. The applicant's plans indicate that approximately 85 to 90% of the area to be developed would contain impervious area. Several storm water management ponds are proposed around the perimeter of the development site, and preliminary review of the plans by Environmental and Development Services staff indicate that proposed storm water management measures appear to be adequate. Further technical review of detailed storm water management and erosion and sediment control plans would be initiated during the site plan review approval process.

4. The site is also subject to the HRM (Historic Resources Management) overlay district. The property contains several complex archaeological sites, three of which have been identified as eligible for nomination to the National Register of Historic Places (NRHP) in accordance with the National Historic Preservation Act. The applicant has submitted a Phase II archaeological report that describes the noted historic resources present on the site and provides recommendations for future actions (avoidance or Phase III recovery) for the NRHP-eligible sites. Resources found within these sites include remains of an 18<sup>th</sup> century mill complex, a colonial-era brick kiln, Civil War-era gun emplacement/redoubt and winter huts, intact remains of the Williamsburg-Yorktown Road, and an eighteenth century slave quarter site. Copies of the management summary and recommendations sections of the report are attached.

The applicant has submitted a proposal outlining historic resources preservation actions for a portion of the sites identified in the referenced Phase II archaeological report. The redoubt and the majority of the mill site complex would be preserved in-place under an easement to be dedicated to the County or other relevant preservation agency. Given the close proximity of the proposed state road to the redoubt, staff is recommending that a 50-foot undisturbed buffer zone separate the redoubt and any construction or disturbance associated with the road. Relocation of the proposed road may be required to avoid this feature and provide the recommended separation. The applicant also proposes to preserve approximately 900 feet of the 2,600-foot long section of the Williamsburg-Yorktown Road located at the eastern end of the property. The noted slave quarter site would not be preserved in place. However, in accordance with Zoning Ordinance regulations, a Phase III archaeological study would be required on this site as well as on the small portion of the mill quarter site that would be impacted by development of the proposed state road, retail buildings, and parking lots.

A Phase III archaeological study would entail the removal, documentation, and archiving of all artifacts found within the site. The fragile nature of such artifacts requires that they be stored in a building structurally designed to accommodate antiquities. The applicant has proposed to construct some type of building to house and interpret the artifacts within the noted preservation easement area. Staff is of the opinion that preservation of the artifacts would best be served by archiving them in an existing specialized manned repository, either locally or at the VDHR facility in Richmond, where they would be available for public exhibit and research purposes. The interpretive building proposed by the applicant could still be developed for public education purposes and could house various displays, information about the history of the property, and, with coordination with the repository of the artifacts concerning display and security requirements, perhaps some representative samples/exhibits. Staff is recommending that development of the building, including location, size, architecture, and interior design, be developed in coordination with staff from the County, VDHR and the Virginia Association of Museums (non-profit public service historic preservation agency). A proposed approval condition addresses this issue.

5. The design guidelines submitted with the application are very general. While it is recognized that flexibility is necessary in order to accommodate a variety of tenants in a large project such as this, the written material, renderings and photographic examples, and an architectural review process controlled by the applicant, are not sufficient, in staff's opinion, to accomplish the architectural design objectives of the Special Use Permit process applicable to "big box"/large-scale retail structures. Absent specific and detailed renderings on a building-by-building basis (prior to SUP approval) and a commitment that the style, materials and colors depicted by those renderings will be used in actual construction, further participation in the design process by the County will be necessary, in staff's opinion. Accordingly, staff recommends that a Design Review Committee be established in accordance with the provisions outlined in the attachment to this memorandum entitled Design Review Committee Structure, dated October 6, 2005. Additionally, staff recommends that this Design Review Committee be charged with reviewing architectural and design features of the project using the Design Guidelines (also attached), dated October 6, 2005. The recommended design review process will provide an opportunity for input and oversight during the development of the project as well as an ongoing review mechanism for any future modifications or alterations to existing structures.
6. The proposed 760,646 square feet of retail space is projected to generate a total of 22,603 average daily vehicle trips, including 463 in the AM peak hour and 2,133 in the PM peak hour. Proposed access to the development would be via a new access road running from the I-64/Grove interchange ramp to Route 199 at Water Country Parkway. The existing entrance to Water Country USA would be relocated further to the north (away from I-64). Currently the Grove interchange does not provide any access to the large EO-zoned area on the east side of I-64, which the County has targeted for major economic development. Throughout the planning and design phases of the Grove Interchange project, the County expressed to VDOT its concern about the lack of interstate access to this largely undeveloped property, but its efforts to persuade VDOT to provide such access were not successful. The proposed "Grove Interchange North Access Road" would address this deficiency, alleviating congestion at the existing Route 199/I-64 interchange by enabling westbound vehicles on I-64 to access this area – including not just the Premier Properties site but also other development along Route 199, such as Water Country USA and the Kings Creek Plantation timeshare resort – via the Grove interchange. Other business sites targeted for future development along the Route 199/Penniman Road corridor – apart from the 233-acre Premier Properties site – include the 140-acre Busch Commerce Park, the 104-acre Busch Industrial Park, the 280-acre Egger tract, and the 65-acre Kings Creek Commerce Center, while approximately 1,200 additional timeshare units are planned in Kings Creek Plantation. Without the Grove Interchange North Access Road, it is unlikely that the Route 199 interchange will be able to accommodate the forecasted traffic volumes while maintaining an acceptable level of service, particularly in the PM peak hour.

The proposed connection to the interstate ramp requires approval of an Interchange Justification Request by the Federal Highway Administration

(FHWA). The role of the Virginia Department of Transportation (VDOT) in this process is to provide guidance in producing a document that will provide the FHWA the information necessary to fully evaluate the request as well as to provide a recommendation of support to the FHWA. The developer has been working with VDOT and the County to identify and address potential access, circulation, and safety issues that could potentially be raised by the FHWA in its review of the interchange request. In these discussions VDOT has indicated that the interchange connection might be acceptable if the existing ramp from westbound I-64 to northbound Route 199 is eliminated as part of the proposed access road project. This would further relieve pressure on the Route 199 interchange by diverting westbound traffic to the Grove interchange.

To preserve the capacity of Route 199 and surrounding roadways, staff has proposed a condition of approval to require the project to be scaled back in size in the event that traffic modeling shows that the road network will not be able to accommodate the proposed amount of retail development without reducing the level of service below an acceptable level (LOS C). Similarly, staff has proposed a condition requiring the applicant to demonstrate the adequacy of Route 199 as the sole point of access to the development in the event that FHWA either does not approve the Grove Interchange North Access Road or has not completed its review at the time of detailed design and engineering for the project.

7. Staff is of the opinion that additional parking islands to prevent unsafe diagonal movement across the parking areas are needed, and an attached sketch plan delineating additional islands is attached and referenced in the proposed approval conditions.
8. The applicant has submitted several renderings for proposed freestanding signage throughout the complex. With the exception of the proposed 10-foot high Target monument sign, all proposed signs exceed minimum Zoning Ordinance height and area requirements, and the number of internal freestanding identification signs exceeds Ordinance limitations. In accordance with Ordinance Sections 24.1-702(k) and 24.1-703(a), only one freestanding sign is permitted for each street frontage and such sign cannot exceed 64 square feet in area. Accordingly, only three signs would be permitted around the perimeter of the property, one each for Route 199, I-64, and Water Country Parkway. Section 24.1-707(r) allows for interior free-standing directional signs provided, 1) they are not legible from public right-of-way, 2) they do not exceed 32 square feet in size and, 3) their location is limited to one such sign for each lot or each major sub-area of the complex. An approval condition addresses these issues.
9. Proposed plans indicate extensive tree clearing around the western border of the site. A 45-foot greenbelt buffer is required for the Route 199 frontage under the basic terms of the Zoning Ordinance, and staff is recommending this landscape buffer be maintained along the I-64 frontage (both the exit ramp and the mainline Interstate) as well. An approval condition addresses this issue.

10. Plan sheet C2.2 indicates proposed pedestrian connections across the complex. Staff is of the opinion that additional connections are needed to afford safe pedestrian circulation along the major access ways within the complex. Staff is recommending that pedestrian access ways be designed as a combined 10-foot wide landscape and sidewalk island with a minimum 6-foot wide unbroken planting area and minimum 4-foot wide sidewalk for the majority of the access ways. For the main, centrally located east-west access across the site staff recommends a minimum 15-foot island containing a sidewalk at least 5 feet wide and a minimum 10-foot landscape area. A sketch plan diagramming the recommended access ways and an associated approval condition are proposed to address this issue.
11. The proposed development will generate significant new tax revenue and create thousands of new jobs for York County. The County has engaged MuniCap Inc., a public finance consultant, to assess the economic impact of a project of this magnitude. This level of scrutiny is required since a portion of the tax revenue will be utilized to pay debt service on bonds that will support the construction of project-related public infrastructure. Revenue will be generated by real property, personal property, sales, BPOL, and meals taxes. The project will create approximately 3,000 retail positions and 900 construction jobs in Phase I.

Assuming the project opens in March of 2008, the first two years of tax revenue will be totally consumed by the bond debt service. In 2011 the County will receive \$365,965 in total tax revenue after paying the bond debt service. This amount increases each year until 2017 when the bonds are fully paid and the County receives all of the tax revenue. The average annual revenue for the County during the bond payment period is \$635,135. In 2017 the County will receive all of the tax revenue estimated to be \$5,423,581. The annual tax revenue projection is extended to 2032 and is estimated to be \$8,531,868. The net incremental revenues to York County through FY 2032 are estimated to be \$116,963,705 with a net present value of \$48,170,825.

## **RECOMMENDATION**

As noted above, the *Comprehensive Plan* designates this entire quadrant of the Route 199/I-64 interchange for Economic Opportunity development. The applicant has submitted an ambitious plan that would provide for a cohesive, master-planned development approach – which, in staff's opinion, is much preferable to proposals that might result in the acreage being developed in a piecemeal fashion where the land is carved up into small, individually available commercial parcels. The Special Use Permit process established several years ago for large-scale retail uses provides an appropriate mechanism for the County to ensure that the project is designed and developed in a manner that is sensitive to the environment, to the historic resources on the site, to the transportation and infrastructure support requirements, and to the Board of Supervisors' overall objectives to promote economic development. Based on these considerations, and the discussion noted above, staff recommends that the Planning Commission forward this application to the Board of Supervisors with a recommendation for approval, subject to the conditions recommended in the attached Resolution No. PC05-45.

Attachments:

- Zoning Map
- Conceptual Plan
- Excerpt from Phase II archaeology report
- Applicant's historical resources summary
- Building Elevations
- Sign Elevations
- Applicant's main street cross section
- Design review committee structure/design guidelines
- Staff amendments plan
- Proposed Resolution No. PC05-45

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